

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

KIMBERLY STARLING, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

MARA DAY SPA LLC, LEDIMARA  
PINNEY, and GREGORY SMITH

Defendants.

Case No.

**4:24-CV-00917-P**

**JURY TRIAL DEMANDED**

**DECLARATION OF ANDREW ROMAN PERRONG IN SUPPORT OF  
MOTION TO COMPEL DEFENDANTS LEDIMARA PINNEY  
AND GREGORY SMITH TO CONDUCT RULE 26(f) CONFERENCE  
AND FOR SANCTIONS**

1. My name is Andrew Roman Perrong. I am over 18 years old and an attorney licensed in, *inter alia*, Pennsylvania.
2. I am the owner of Perrong Law LLC, a telemarketing and consumer protection class action law firm.
3. I can testify competently to the undersigned statements.
4. I have personal knowledge of the facts set forth herein.
5. I have extensive technical experience, including in the field of telephony.
6. Prior to my career as an attorney, I was the owner of AndyMedia Computer Services, which provided managed IT services and telephone services to businesses throughout the Philadelphia area.
7. Attached herein as Exhibit A is a copy of my email thread with Defendants in my attempts to contact the Defendants to conduct a Rule 26(f) Conference. As reflected therein, the

emails were sent to the addresses listed in the Defendants' answer, no bounce back is reflected, and no response to these emails was received.

8. I also called the Defendants on two occasions, on January 13, 2025, when I left messages on both Defendants' voicemails, and on January 23, 2025, when the two calls I made to Ms. Pinney immediately went to voicemail, and where I left a message, and the three calls I made to Mr. Smith indicated that the number was no longer in service.

9. I reviewed the logs of my telephone system for the calls I made to Mr. Smith on January 23, and those logs revealed that the calls were dispositioned as SIP 404 Not Found, indicating that the telephone number has either been disconnected or is refusing to respond to calls from my number, such as when someone blocks a caller.

10. I have agreed to take this case on as a class action and my agreement with the Plaintiff agrees that my hourly rate is \$385 per hour, which is the same rate I intend to seek as attorneys' fees at class certification in the event a class is certified.

11. I spent three and one half hours drafting, reviewing, and filing the motion. This time was spent on the actual drafting of the motion itself (2.5 hours), together with review of my records (.25 hours), review of the applicable law (.25 hours), corresponding with co-counsel (.25 hours), and clerical tasks related to filing and service of the motion (.25 hours).

12. Accordingly, I respectfully request that the Court sanction the Defendants and order them to pay my attorneys' fees expended in the filing of this motion of \$1,347.50

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

Executed this 25<sup>th</sup> day of January, 2025, at Pennsylvania,

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Andrew Roman Perrong